

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S): Parikh et al.

APPLICATION NO: 09/443,863

EXAMINER: Gollamudi S. Kishore

FILING DATE: November 19, 1999

ART UNIT: 1612

FOR: DISPERSIBLE PHOSPHOLIPID STABILIZED MICROPARTICLES

Mail Stop Amendment

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DECLARATION UNDER 37 CFR § 1.132 OF INDU PARIKH

I, Indu Parikh of 2558 Booker Creek Rd, Chapel Hill, NC 27514, declare and state:

1. I have read and understand the subject matter described and claimed in the instant application, United States Patent Application Serial No. 09/443,863 filed November 19, 1999 (“the ‘863 application”), entitled “Dispersible Phospholipid Stabilized Microparticles”.

2. I have read and understand the Office Action mailed of January 14, 2008 that claims 50-52, 54, 56-75, 77, 79-95, 97-104 and 108-131 remain rejected under 35 U.S.C. §103(a) as being unpatentable over WO 98/07414 (“the ‘414 publication”) in view of US Patent No. 5,976,577 (“Green”) or US Patent No. 6,475,510 (“Venkatesh”).

3. I am a co-inventor of the ‘863 application.

4. I am a co-inventor of the ‘414 publication, entitled “Compositions Comprising Microparticles of Water-insoluble Substances and Method for Preparing Same” cited in the instant 103(a) rejection.

5. I make this Declaration to establish that the '414 publication does not describe an invention that was known or used by others before invention by applicants under 35 U.S.C. § 103(a).

5. I assert that any invention disclosed but not claimed in the '414 publication was derived from my work.

6. I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001 and that willful false statements may jeopardize the validity of this application and any patent issuing therefrom.


Indu Parikh

June 10, 2008
Date